

**UTILITY BOARD/COMMON COUNCIL**

**Tuesday, June 14, 2022**

**5:30 P.M.**

The Common Council and Utility Board of the City of Huntingburg met in joint session on Tuesday, June 14, 2022 at the hour of 5:30 P.M. in the Council Chambers of the Huntingburg City Hall at 508 E. Fourth Street, Huntingburg, Indiana. Members Bounds, Dubon, and Wehr were physically present. Members Kissling and McPherron were absent. This meeting was opened to the public, and made available to members of the public and the media streamed through the City of Huntingburg's YouTube channel accessed via the City of Huntingburg's website. Also present were Mayor Schwinghamer, City Attorney Schneider and Deputy Clerk-Treasurer Stevens.

Mayor Schwinghamer called the meeting to order.

A motion was made by Bounds, seconded by Wehr and carried to approve the minutes of the May 24, 2022 regular meeting.

A motion was made by Wehr, seconded by Dubon and carried to approve the claims as presented.

This is the date, time and place advertised for the public hearing for the vacation of an alley way for Superior Ag inside their current parking lot on N. Main Street. The Mayor opened the public hearing. Attorney Schneider provided information on the petition to vacate the alley. The Mayor asked for comments from the public. No comments were received.

A motion was made by Wehr, seconded by Bounds and carried to close the public hearing.

A motion was made by Bounds, seconded by Dubon and carried to introduce Ordinance No. 2022-20 entitled:

**AN ORDINANCE VACATING AN UNDEVELOPED ALLEY  
SURROUNDED BY PROPERTY OF  
SUPERIOR AG RESOURCES COOPERATIVE, INC.**

The Mayor informed the Council of the need to amend the Addendum #4 to the City's Employee Policy and Procedure Manual for the Abuse Prevention Policy. The language under the General Conduct section needs clarified for the guidelines towards our law enforcement. (Exhibit A)

A motion was made by Bounds, seconded by Wehr and carried to amend Addendum #4 to the City's Employee Policy and Procedure Manual.

The Mayor informed the Council of the need to approve a firefighter as a volunteer fire department member. Cole Meyer, who was previously on the Huntingburg Fire Department, is wishing to be a firefighter again.

A motion was made by Bounds, seconded by Dubon and carried to approve Cole Meyer as a Huntingburg Volunteer Fire Department member.

This is the date, time and place advertised for the public hearing for the close out of the Owner Occupied Rehabilitation grant project through the IHCD. Jenny Dearwester from the Southern Indiana Development Commission was present and opened the public hearing. She updated the Council on the completion of the 14 homes through two contractors. She asked for questions or comments from the council and public. She closed the public hearing.

Attorney Schneider presented three ordinances to be considered for the utility rates. He informed the Council that the 2022 Indiana Legislative repealed the Indiana Utility Receipts Tax, and instructed all utilities to revise their utility rates removing the Utility Receipts Tax from their rate structure. The Utility Receipt Tax was 1.4% of our

gross revenues, but our reduction will be 1.39% due to some customers being exempt from taxes. A notice must be given for the next two months notifying our customers of their rate reduction.

A motion was made by Wehr, seconded by Bounds and carried to introduce Ordinance No. 2022-21 entitled:

**AN ORDINANCE AMENDING ORDINANCE NO. 2013-35  
TO ADJUST RATES AND CHARGES FOR THE ELECTRIC UTILITY  
TO REFLECT THE REPEAL OF THE UTILITY RECEIPTS TAX  
BY HEA 1002-2022**

A motion was made by Bounds, seconded by Dubon and carried to introduce Ordinance No. 2022-22 entitled:

**AN ORDINANCE AMENDING ORDINANCE NO. 2013-36  
TO ADJUST RATES AND CHARGES FOR THE NATURAL GAS UTILITY  
TO REFLECT THE REPEAL OF THE UTILITY RECEIPTS TAX  
BY HEA 1002-2022**

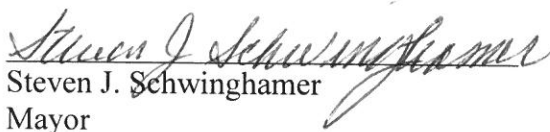
A motion was made by Bounds, seconded by Wehr and carried to introduce Ordinance No. 2022-23 entitled:

**AN ORDINANCE AMENDING ORDINANCE NO. 2019-44  
TO ADJUST RATES AND CHARGES FOR THE WATER UTILITY  
TO REFLECT THE REPEAL OF THE UTILITY RECEIPTS TAX  
BY HEA 1002-2022**

Councilman Bounds inquired about setting an executive session or forming a committee to set some guidelines for the possible sale of the City's property at 405 N. Main Street property.

The Mayor informed the Council on the completion of the mural on the back of the Current Blend building (307 E. Fourth Street) painted by the Indiana University Art students, and the Street Sounds downtown audio system along 4<sup>th</sup> Street is installed and streaming music.

There being no further business before the Council, a motion was made by Wehr, seconded by Bounds and carried to adjourn the meeting at 5:55 o'clock P.M.

  
Steven J. Schwinghamer  
Mayor

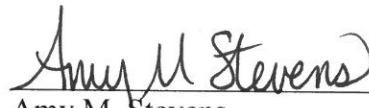
  
Amy M. Stevens  
Deputy Clerk-Treasurer

EXHIBIT A

C.C. meeting minutes of 6/14/22

5:30pm

Tom Dippel

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**From:** Phil Schneider  
**Sent:** Friday, May 27, 2022 10:08 AM  
**To:** Art Parks; Steve Schwinghamer  
**Cc:** Stephanie Bolling; Tom Dippel  
**Subject:** Amendment to Abuse Policy  
**Attachments:** Abuse Prevention Policy2nd Draft 05-27-22.doc

Art:  
Please look at the attached revision on page 2 of the Abuse Policy. Let me know if the change in red is sufficient to address your concern. If it is acceptable, the council can approve the change at its next meeting. I don't think it is necessary for non-police employees to re-sign their acknowledgements, but the police should wait until the new language for them is approved. Thanks.  
Phil

# Abuse Prevention

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City of Huntingburg

## Purpose

This policy establishes how City of Huntingburg will prevent the physical, emotional, and sexual abuse of children and youth by its employees. City of Huntingburg seeks to create a welcoming and nurturing environment and has zero tolerance for those whose actions may jeopardize the safety, health, or innocence of a minor.

## DEFINITIONS

Abuse: Because it takes many forms, abuse can be broken down into the following subtypes, all of which are prohibited within the scope of this policy:

- Physical abuse: Injury inflicted on a child or youth
- Sexual abuse: Contact or activity of a sexual nature between an adult and a child or youth
- Emotional abuse: Mental or emotional injury inflicted on a child or youth by the actions of an adult
- Neglect: Failure to provide adequate care for a child or youth
- Economic abuse: Deliberate misuse of the money or belongings of a child or youth

Child: A child is defined as anyone under the age of 12.

Youth: A youth is defined as anyone between 12 and 18 years of age.

## POLICY GUIDELINES

### Personnel Screenings

Safeguards in the hiring process will be used to eliminate from consideration any candidates who display characteristics that could classify them at a high risk for violating this policy. The required screenings and background information will depend on the positions and its level of involvement with children and youth.

### For those who regularly work with or around children or youth

Candidates for positions that involve regular interaction with children or youth will be screened and selected using the following:

- Standard City of Huntingburg employment application that includes signed authorization to perform necessary background checks
- State of Indiana Criminal History check prior to hire.
- Sexual offender registry checks in any and all states where the candidate has lived for the last seven years
- Driving records and any applicable certification if the position requires the transportation of children
- In-person interview of the candidate
- If hired, criminal and sexual offender registry checks will be conducted every five years for those who regularly work with children or youth.

### For those who occasionally work with children or youth:

Candidates for positions that involve occasional contact with children or youth will be screened and selected using the following:

- Standard City of Huntingburg employment application that includes signed authorization to perform necessary background checks
- State of Indiana Criminal History check prior to hire.
- In-person interview of the candidate
- Driving records and any applicable certification if the position requires the transportation of children

All information collected about a candidate will be reviewed and used to determine if they are appropriate for the respective position. If hired, all information collected during the hiring process will be included in the employee's permanent file, which will be maintained over the course of their employment with City of Huntingburg.

Personnel screenings are required regardless of current employment status with City of Huntingburg. City of Huntingburg employees seeking to transfer into a position that involves working with children or youth must undergo the same review process as new hires.

### Structural Guidelines for Programs

All City of Huntingburg programs are designed to encourage safe interaction between employees and children or youth. The following guidelines are meant to keep established safeguards effective:

- Employees are restricted from being alone with a child or youth where they cannot be easily observed by others.
- Employees are not allowed to implement new activities or programs for children without City of Huntingburg consent. Request for new activities or programs should be submitted in writing to management.
- Written permission must be obtained from a parent or guardian before any employee transports a child or youth in the name of City of Huntingburg.
- Children under the age of six placed in the care of City of Huntingburg will only be released to a parent, legal guardian or a person designated by a parent or legal guardian.

### General Conduct

In an effort to provide a safe and healthy environment for both mind and body, the following guidelines are meant to guide City of Huntingburg employees during their interactions with children and youth. These guidelines do not and cannot outline every situation that may be encountered while on the job, requiring employees to act with a certain degree of personal discretion. Because a certain action is not prohibited in this section does not mean it is acceptable behavior. City of Huntingburg reserves the right to take disciplinary action against employees whose actions are found to be inappropriate regardless of whether they appear in this section:

- Employees will treat all children and youth with respect and consideration. Treatment must be fair and equal, and must not be based on sex, race, religion, sexual orientation or economic or social status. All effort must be made to avoid favoritism, or the appearance of favoritism.
- While representing City of Huntingburg, employees must not possess, distribute, use, or allow others to use any alcohol or drugs.
- Employees must not use harsh or inappropriate language, degrading punishment, or any type of restraining device in the name of behavior management; provided that use of appropriate restraining devices are permitted by law enforcement in the discharge of their lawful duties, when deemed necessary.
- Employees must not participate in or allow others to engage in any form of hazing.
- Employees must not have sexual contact with children or youth.
- Employees must not dress, undress, shower, or bathe with or in the presence of children or youth.

Δ # Approved # Approved @ 6/14/22

Council  
meeting

- Employees must not use physical punishment in any form. The only time physical force is allowed to be used against a child or youth is when their actions are placing others at an immediate risk for serious harm.
- Employees must not discuss their own sexual history, preferences, or fantasies nor their use of illicit or pornographic materials while in the company of children or youth.
- Employees are not allowed to possess any sexually oriented materials (books, magazines, videos, clothing) when conducting business in the name of City of Huntingburg.
- When one-on-one discussion or counseling is warranted, employee interaction with a child or youth will take place in an area that allows for private conversation while remaining in the view of others.

If, for any reason, an employee feels there is a need to make an exception to these guidelines, they must submit to their supervisor a written description of the incident and why their actions were necessary. Their report will be reviewed for wrongdoing. A copy of the original report along with any additional findings made by the reviewer will be included in the employee's permanent file.

Anyone suspected of an abuse or molestation offense will be subject to civil or criminal prosecution to the fullest extent allowed by law.

## **PROCEDURE FOR HANDLING SUSPECTED CHILD ABUSE/MOLESTATION**

### **When to Report**

Anytime there is a reasonable suspicion of child abuse or molestation.

### **How to Report**

Contact the Huntingburg Police Department to speak to an Officer on duty. Allegations and suspicions should be reported to very few people before authorities are contacted to expedite the process and minimize the number of times a youth has to repeat allegations.

Do not conduct your own investigation, but depending on circumstances, it may be appropriate to ask a few clarifying questions of the youth or the person making the allegation to adequately report the suspicion or allegation to the authorities.

All information regarding a potential abuse situation should be kept confidential. The Police Department will manage all communication regarding a potential case.

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# Employee Agreement

If you have any uncertainty or questions regarding the content of this policy, you are required to consult your supervisor. This should be done prior to signing and agreeing to the City of Huntingburg Abuse Prevention Policy.

I have read and understand City of Huntingburg's Abuse Prevention Policy and agree to abide by its terms and conditions throughout the course of my employment. I understand that my failure to follow the terms of this policy could result in disciplinary action up to and including termination.

Employee signature

Date

Supervisor's signature

Date